

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2246

IN THE MATTER OF:

Served July 31, 1981

Application of U. S. BUS LINES,)
INC., for Temporary Authority To)
Conduct Regular-Route Operations)
Between Montgomery Village and)
Washington, D. C.)

Case No. AP-81-18

By application filed July 31, 1981, U. S. Bus Lines, Inc., seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact to conduct regular-route operations between Montgomery Village located in Montgomery County, Md., and Washington, D. C., as authorized by Certificate of Public Convenience and Necessity No. 9 issued to Dawson's Charter Service, Inc.

On July 30, 1981, Dawson's advised its counsel that it had sold its buses and was ceasing operations as of August 1, 1981. For health reasons, applicant's president can no longer engage in the operations of the company. Several efforts had been made in recent weeks to find a buyer for the stock of Dawson's to no avail.

At the request of Dawson's counsel, U. S. Bus filed this application by which it proposes to commence service to Dawson's regular-route riders effective Monday, August 3, 1981. U. S. Bus would adopt the same tariff and schedule now in effect for Dawson's.

The above-referenced section of the Compact provides, as pertinent, that the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority, for a period not exceeding 180 days, if there is an immediate and urgent need for the proposed service and if no existing carrier service is capable of meeting such need.

In this case, it appears that the statutory criteria have been met. While the Commission is displeased at the lack of notice provided by Dawson's and its attempt to abandon service without the prior approval required by the Compact, we can hardly fault U. S. Bus for this malfeasance. Failure to grant the relief sought would likely result in the stranding of over 200 commuters who have relied on Dawson's for transportation to and from work. No carrier other than Dawson's holds authority to perform the proposed service.

U. S. Bus has filed an equipment list and an insurance endorsement which evidences adequate security for the protection of the public but which is not in the form (certificate of insurance) prescribed by Commission Regulation No. 62. Accordingly, applicant will be directed to make a more appropriate filing.

THEREFORE, IT IS ORDERED:

1. That the above-referenced application of U. S. Bus, Inc., to conduct the regular-route operations authorized by Certificate of Public Convenience and Necessity No. 9 issued to Dawson's Charter Service, Inc., subject to the terms, regulations and charges set forth in Dawson's WMATC Tariff No. 4 effective May 31, 1980, and further subject to the schedule now operated by Dawson's is hereby granted.

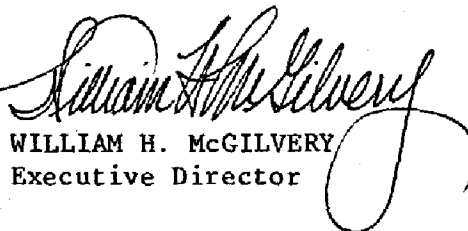
2. That the temporary authority granted herein shall be effective August 3, 1981, and shall remain in effect for 180 days until January 29, 1982, at 11:59 p.m. unless otherwise ordered by the Commission.

3. That the regular routes over which U. S. Bus, Inc., shall operate are those set forth in the appendix to this Order.

4. That a certificate of insurance in the form prescribed by Commission Regulation 62 be filed by U. S. Bus, Inc., no later than Wednesday, August 5, 1981.

5. That U. S. Bus, Inc., comply with the provisions of Commission Regulation No. 68-03 and file an affidavit evidencing such compliance no later than Wednesday, August 5, 1981.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS CLEMENT, SCHIFTER AND SHANNON. (Commissioner Clement did not participate in this decision.)


WILLIAM H. MCGILVERY
Executive Director

DESCRIPTION OF REGULAR ROUTE AUTHORITY APPLIED FORREGULAR ROUTES:

Passengers and their baggage, and express and newspapers in the same vehicle with passengers between points in Washington, D. C., and Montgomery County, Maryland:

- (1) From junction Maryland Highway 28 and Maryland Highway 124, then over Maryland Highway 124 to Quince Orchard Road, then over Quince Orchard Road to Maryland Highway 355, then over Maryland Highway 355 to Montgomery Village Road, then over Montgomery Village Road to Stedwick Road, then over Stedwick Road to Montgomery Village Shopping Center roadways, then over Montgomery Village Shopping Center roadways to Centerway Road, then over Centerway Road to Montgomery Village Road, then over Montgomery Village Road to Interstate Highway 270, then over Interstate Highway 270 to Wisconsin Avenue (U.S. Highway 240), then over Wisconsin Avenue to the Maryland-District of Columbia line, and return over the same route.
- (2) From the Maryland-District of Columbia line over Wisconsin Avenue, N. W., to Massachusetts Avenue, then over Massachusetts Avenue to 20th Street, then over 20th Street, to New Hampshire Avenue, then over New Hampshire Avenue to 21st Street, N. W., then over 21st Street to Pennsylvania Avenue, then over Pennsylvania Avenue to New York Avenue, then over New York Avenue to H Street, N. W., then over H Street to 13th Street, N. W., then over 13th Street to Pennsylvania Avenue, then over Pennsylvania Avenue to Constitution Avenue, then over Constitution Avenue to Louisiana Avenue, then over Louisiana Avenue to 1st Street, N. W., then over 1st Street to junction E Street, N. W., then over E Street to Bellevue Hotel, 15 E Street, N. W., Washington, D. C.
- (3) From Bellevue Hotel over E Street, N. W., to 1st Street, N. W., then over 1st Street to Louisiana Avenue, then over Louisiana Avenue to Constitution Avenue, then over Constitution Avenue to Pennsylvania Avenue, then over Pennsylvania Avenue to 12th Street, N. W., then over 12th Street to H Street, N. W., then over H Street to New York Avenue, then over New York Avenue to Pennsylvania Avenue, then over Pennsylvania Avenue to 22nd Street, N. W., then over 22nd Street to Massachusetts Avenue, then over Massachusetts Avenue to Wisconsin Avenue, then over Wisconsin Avenue to the District of Columbia-Maryland line.

JOINDER: Route (1) shall be joined with Route (2) for the purpose of providing through southbound service. Route (1) shall be joined with Route (3) for the purpose of providing through northbound service.

RESTRICTIONS: (a) Passengers may board and alight only at points on Maryland Highway 124, Quince Orchard Road, Montgomery Village Road and those points within the subdivision of Montgomery Village, Gaithersburg, Maryland; (b) Passengers may board at National Institutes of Health and those points south of National Institutes of Health located on Route (3) for northbound service only; and (c) Passengers may alight at National Institutes of Health and those points south of National Institutes of Health located on Route (2) for southbound service only.